

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA Electronic Case Opening

You will receive an electronic notice of judge assignment. In the event your case is assigned to a District Judge, consent can be filed to have the case heard by a U.S. Magistrate Judge.

Attached to this notice you will find the following forms:

- Consent/Refusal To Proceed Before a U.S. Magistrate Judge
- Disclosure Of Corporate Affiliations And Other Entities With A Direct Financial Interest In Litigation
- Certification And Report Of F.R.C.P. 26(f) Conference And Discovery Plan

Counsel are reminded that a Consent to Proceed or a Refusal to Consent to Proceed Before a U.S. Magistrate Judge must be executed and filed in this case.

- The Plaintiff is required to serve these forms on all defendants with the complaint.
- The Plaintiff(s) shall file their form on or before the date the Plaintiff first seeks service of the complaint.
- The Defendants(s) must file their form with their first responsive pleading.

In Removal Actions,

- The removing party shall be responsible for the service of the Consent/Refusal forms on all parties to the action.
- The executed forms shall be filed with each parties' first pleading filed in the removed action.

The Local Rules and Court Forms are available on the court's website
at www.ncwd.uscourts.gov.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \end{array}$$

Defendant

Attorney for _____

Attorney for

***DEFENDANTS MUST FILE THIS FORM WITH THEIR FIRST RESPONSIVE PLEADING.**

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

)	
)	
Plaintiff(s),)	
)	
vs.)	Case No.
)	
)	
Defendant(s).)	
_____)	

**DISCLOSURE OF CORPORATE AFFILIATIONS AND OTHER
ENTITIES WITH A DIRECT FINANCIAL INTEREST IN
LITIGATION**

ONLY ONE FORM NEED BE COMPLETED FOR EACH NONGOVERNMENTAL PARTY EVEN IF THE PARTY IS REPRESENTED BY MORE THAN ONE ATTORNEY. DISCLOSURES MUST BE FILED ON BEHALF OF INDIVIDUAL NONGOVERNMENTAL PARTIES AS WELL AS NONGOVERNMENTAL CORPORATE PARTIES. COUNSEL HAVE A CONTINUING DUTY TO UPDATE THIS INFORMATION. PLEASE FILE AN ORIGINAL AND ONE COPY OF THIS FORM. PLAINTIFF OR MOVING PARTY MUST SERVE THIS ON THE DEFENDANT(S) OR RESPONDENT(S) WHEN INITIAL SERVICE IS MADE.

_____ who is _____,
(Name of party.) (Plaintiff/moving party or defendant)
makes the following disclosure:

1. Is party a publicly held corporation or other publicly held entity ?
() Yes () No
2. Does party have any parent corporations ?
() Yes () No
If yes, identify all parent corporations, including grandparent and great-grandparent corporations:
3. Is 10% or more of the stock of a party owned by a publicly held corporation or other publicly held entity ?
() Yes () No
If yes, identify all such owners:
4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation ?
() Yes () No
If yes, identify entity and nature of interest:

(Signature)

(Date)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**
_____**DIVISION**
CIVIL NO. _____

Plaintiff[s],

vs.

Defendant[s].

CERTIFICATION AND REPORT OF
F.R.C.P. 26(f) CONFERENCE
AND DISCOVERY PLAN

Please fill in or check the appropriate blanks (print legibly) to certify completion of the Rule 26(f) Attorney's Conference and provide the required information to the Court. Where the parties were unable to agree on a specific provision or item, please so note and attach any necessary explanation. Please note that this information will be used as a guideline by the judge conducting the Initial Pretrial Conference or issuing the Initial Pretrial Order.

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on _____ (date) [] at _____ (place) or [] by telephone and was conducted by the undersigned counsel for the designated parties in the above-captioned case.

2. Pre-Discovery Disclosures. The information required by Fed. R. Civ. P. 26(a)(1) (check one) [] has been exchanged [] will be exchanged by _____ (date).

3. Discovery Plan. The parties jointly propose to the court the following discovery plan: *[Use separate paragraphs or subparagraphs as necessary if parties disagree.]*

a) All discovery shall be commenced in time to be completed by _____ (date).

[if needed] Discovery on _____
_____ (identify any issues
requiring early discovery) will be completed by _____ (date).

b) Discovery Limits:

- 1) Maximum of _____ (ordinarily 20) interrogatories by each party to any other party .
- 2) Maximum of _____ (ordinarily 20) requests for admission by each party to any other party.
- 3) Maximum of _____ depositions by plaintiff(s) and _____ by defendant(s) (ordinarily 6 each) [or _____ by each plaintiff and _____ by each defendant].

c) Reports from retained experts under Rule 26(a)(2) will be due:

-from plaintiff(s) by _____ (date)

-from defendant(s) by _____ (date)

Supplementations under Rule 26(e) due _____ (list time(s) or interval(s))

4. Other Items. *[Attach separate paragraphs as necessary if parties disagree.]*

a) The parties ☐ request ☐ do not request _____ a conference with the court before entry of the scheduling order.

b) All potentially dispositive motions should be filed by _____ (date, ordinarily one month after the close of discovery)

c) Settlement:

☐ is likely

☐ is unlikely

☐ cannot be evaluated prior to _____ (date)

☐ may be enhanced by use of the following ADR procedure:

☐ Mediated Settlement Conference

☐ binding arbitration

☐ judicial settlement conference

☐ other _____

The parties agree that the above selected ADR procedure would be most useful if conducted:

- ☐ after resolution of any outstanding dispositive motions, but prior to further discovery;
- ☐ after an initial round of preliminary discovery to be completed by _____ (date);
- ☐ after the completion of discovery;
- ☐ after resolution of summary judgment motions, if any
- ☐ not applicable.

d) Final lists of witnesses and exhibits under Rule 26(a)(3) are due:

from plaintiff(s) by _____ (date)

from defendant(s) by _____ (date)

e) If the case is ultimately tried, trial is expected to take approximately _____ days.

5. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, etc., unmovable scheduling conflicts)

Plaintiff's Counsel *Party* *Date*

Defendant's Counsel *Party* *Date*

Plaintiff's Counsel *Party* *Date*

Defendant's Counsel *Party* *Date*

Plaintiff's Counsel *Party* *Date*

Defendant's Counsel *Party* *Date*

Plaintiff's Counsel *Party* *Date*

Defendant's Counsel *Party* *Date*

Plaintiff's Counsel *Party* *Date*

Defendant's Counsel *Party* *Date*

(attach additional sheets if necessary)